

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No. 15-20382  
Hon. Victoria A. Roberts

PAUL NICOLETTI,

Defendant.

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**DEFENDANT’S RESPONSE TO THE PROSECUTION’S  
MOTION TO STRIKE *PRO SE* MOTIONS**

Now comes Paul Nicoletti, Esq. by and through his Firm, Nicoletti Law PLC, that is appearing for the limited and special purpose of filing and arguing the Motions dated June 22, 2018, a Response to Defense Counsel’s Motion to Withdraw, and a Response to the Prosecution’s Motion to Strike *Pro Se* Motions, and states as follows:

Defendant hereby incorporates his Response [DE 83] by reference. On December 30, 2017, Attorney Sarah McKenzie sent an email to Defendant. **(Exhibit A)** The email confirms the fact that “The court, the AUSA, and Bob Harrison spoke and the court represented they would move the deadline.” Since Defendant was not privy to the conversation, it remains a mystery what was actually discussed. One thing however remains certain; this Writer has NEVER spoken to Bob Harrison, despite multiple attempts to do so by Defendant. Exhibit A also make it crystal clear that Defendant was fully prepared to file any and all motions, even if the date was moved to 2/20/18, as opposed to the 2/12/18 dated referenced by Exhibit A. Attorney Sarah McKenzie also states “I plan on filing the motions when Mike directs me to after finalizing.”

Expressing even more concern about the Motion Cutoff Date of 2/20/18, Defendant sent another email to Michael Harrison on February 5, 2018, offering assistance in getting the motions filed. (**Exhibit B**) A good two weeks prior to the email set forth in Exhibit B; Defendant received a text message from Michael Harrison stating, “I also read the latest iteration of the motion and like it very much...” (**Exhibit C**)

To further illustrate the confusion about whether the Motion Cutoff Date was rescheduled, AUSA Craig Weier states in an email dated 12/20/17, “(I can’t remember right now when we rescheduled that for...)” (**Exhibit D**) In any event, all eleven of the motions had been uploaded to Dropbox for filing and Michael Harrison viewed them on February 15, 2018. The mere fact that Michael Harrison refused to file the drafted and prepared motions, forms in part, the basis for the Defendant’s valid concerns regarding Michael Harrison’s legal duties.

To make matters even worse, if possible, on June 26, 2018, in response to a legitimate question asked by Defendant, Michael Harrison stated “ON ADVICE OF COUNSEL, I AM NOT TAKING ANY FURTHER ACTION ON YOUR BEHALF UNTIL THE MOTION TO WITHDRAW IS HEARD BY THE COURT. PLEASE DO NOT CONTACT ME WHILE THIS MOTION IS PENDING.” (**Exhibit F**) Not to mention the numerous violations of the Michigan Rules of Professional Conduct and the Federal Rules of Criminal Procedure, Michael Harrison takes it upon himself to suspend his professional duties in complete disregard for the severe prejudice being caused by not issuing the Document Subpoenas, that should have been issued in February 2018 [DE 76].

It should be obvious based on the attached exhibits, that Defendant had no choice but to file the pleadings via a limited appearance. Lastly, contrary to the Federal Rules, Local Rules, and this court’s practice guidelines, the Prosecutor fails to cite any case law, court rule, or statute that supports the relief sought.

Respectfully submitted,

NICOLETTI LAW PLC

June 27, 2018

/s/ Paul J. Nicoletti

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Paul J. Nicoletti P44419  
Limited Appearance as Attorney for  
Defendant  
33717 Woodward Avenue, Suite 433  
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(248) 203-7800

**PROOF OF SERVICE**

Paul Nicoletti, being first duly sworn deposes and states that on the 27th day of June, 2018, he served a copy of the foregoing documents on all parties of record, or their counsel of record, if represented by counsel, by ECF/Pacer to their respective addresses.

/s/ Paul J. Nicoletti

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